



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T. Erik Mirkov et al.  
Serial No.: 10/751,612  
Date Filed: January 5, 2004  
Group Art Unit: 1638  
Examiner: Samson, Maria Teresa D.  
Title: *Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots*

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as Express Mail No. EV351287717US addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Angela Loding  
Angela Loding  
2-1-05  
Date

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicants respectfully request, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publication cited on the attached PTO Form 1449 is not being submitted with this Information Disclosure Statement pursuant to the July 11, 2003 waiver of 37 C.F.R. §1.98(A)(2)(i) by the U.S. Patent and Trademark Office.

Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that these references are material to the patentability of the present application.

Applicants believe no fees are due however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P. in order to effectuate this filing.

Respectfully submitted,

BAKER BOTTS L.L.P.  
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Date: 2/10/08

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PTO-1449		Application No. 10/751,612		Applicant(s) T. Erik Mirkov et al.	
<b>Information Disclosure Citation in an Application</b>		Docket Number 017575.0774		Group Art Unit 1638	
				Filing Date January 5, 2004	

PATENT & TRADEMARK OFFICE  
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U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A.	5712112	1/27/98	Yu et al.	435	69.1	11/22/94
B.	6359196	3/19/02	Lok et al.	800	278	9/23/99
C.	5510474	4/23/96	Quail et al.	536	24.1	4/25/94
D.	5641876	6/24/97	McElroy et al.	536	24.1	10/27/93
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J.	Aldemita et al., <i>Agrobacterium Tumefaciens-Mediated Transformation of Japonica and Indica Rice Varieties</i> , <i>Planta</i> , Vol. 199, pp. 612-617	1996
K.	Altschul, et al., <i>Gapped BLAST and PSI-BLAST: a new generation of protein database search programs</i> , <i>Nucleic Acids Research</i> , Vol. 25, No. 17, pp. 3389-3942	1997
L.	Barton, et al., <i>Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny</i> , <i>Cell</i> , Vol. 32, 1033-1043	1983
M.	Chen, et al., <i>LABORATORY METHODS Supercoil Sequencing: A Fast and Simple Method for Sequencing Plasmid DNA</i> , <i>DNA</i> , Vol. 4, No. 2, pp. 165-170	1985
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Q.	Held, et al., <i>An mRNA Putatively Coding for an O-Methyltransferase Accumulates Preferentially in Maize Roots and Is Located Predominantly in the Region of the Endodermis</i> , <i>Plant Physiol.</i> , 102, pp. 1001-1008	1993

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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	J.	Horsch, et al., <i>Inheritance of Functional Foreign Genes in Plants</i> , Science, Vol. 223, pp. 496-498					1984
	K.	Horsch, et al., <i>A simple and General Method for Transferring Genes into Plants</i> , Science, Vol. 227, pp. 1229-1231					1985
	L.	Huang, et al., <i>The tissue-specific activity of a rice beta-glucanase promoter (Gns9) is used to select rice transformants</i> , Plant Science, 161, pp. 589-595					2001
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	Q.	Jefferson, et al., <i>GUS fusions: <math>\beta</math>-glucuronidase as a sensitive and versatile gene fusion marker in higher plants</i> , The EMBO Journal, Vol. 6 No. 13, pp. 3901-3907					1987
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K.	Klein, et al., <i>High-velocity microprojectiles for delivering nucleic acids into living cells</i> , Nature, Vol. 327, pp. 70-73	May 1987
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M.	Mitsuhara, et al., <i>Efficient Promoter Cassettes for Enhanced Expression of Foreign Genes in Dicotyledonous and Monocotyledonous Plants</i> , Plant Cell Physiol., <b>37</b> (1), pp. 49-59	1996
N.	Muhitch, et al., <i>Isolation of a promoter sequence from the glutamine synthetase<sub>1,2</sub> gene capable of conferring tissue-specific gene expression in transgenic maize</i> , Plant Science, <b>163</b> , pp. 865-872	2002
O.	Napoli, et al., <i>Introduction of a Chimeric Chalcone Synthase Gene into Petunia Results in Reversible Co-Suppression of Homologous Genes in trans</i> , The Plant Cell, Vol. 2, pp. 279-289	April 1990
P.	Pearson, et al., <i>Improved tools for biological sequence comparison</i> , Proc. Natl. Acad. Sci USA, Vol. 85, pp. 2444-2448	April 1988
Q.	Pearson, [5] <i>Rapid and Sensitive Sequence Comparison with FASTP and FASTA</i> , Methods in Enzymology, Vol. 183, pp. 63-98	1990

  

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	K.	van der Krol, et al., <i>Inhibition of flower pigmentation by antisense CHS genes: promoter and minimal sequence requirements for the antisense effect</i> , Plant Molecular Biology, 14, pp. 457-466					1990
	L.	Wei, et al., <i>Comparative expression analysis of two sugarcane polyubiquitin promoters and flanking sequences in transgenic plants</i> , J. Plant Physiol. 160, pp. 1241-1251					2003
	M.	Wei, et al., <i>Differential Expression of Sugarcane Polyubiquitin Genes and Isolation of Promoters from two Highly-Expressed Members of the Gene Family</i> , J. Plant Physiol. Vol. 155, pp. 513-519					1999
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